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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVAN DANIEL MERCER,

Defendant.

Case: 2:24-cr-20065
Assigned To : Borman, Paul D.
Referral Judge: Altman, Kimberly G.
Assign. Date : 2/6/2024
Description: IND USA V EVAN DANIEL MERCER (SS)

18 U.S.C. § 2251(a)
18 U.S.C. § 2422(b)
18 U.S.C. § 2252A(a)(5)(B)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

18 U.S.C. § 2251(a)
Sexual Exploitation of a Child

On or about September 7, 2023, in the Eastern District of Michigan, the defendant, EVAN DANIEL MERCER, knowingly employed, used, persuaded, induced, enticed, and coerced Minor Victim One, a prepubescent minor female, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know: that such visual depiction would be transported

and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce; and the visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a).

COUNT TWO

18 U.S.C. § 2422(b)

Coercion and Enticement of a Minor

On or about September 7, 2023, in the Eastern District of Michigan, the defendant, EVAN DANIEL MERCER, used a facility and means of interstate and foreign commerce, that is, the Internet, to knowingly persuade, induce, entice and coerce Minor Victim One, who had not attained the age of 18 years, to engage in sexual activity for which a person could be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

COUNT THREE

18 U.S.C. § 2422(b)

Coercion and Enticement of a Minor

On or about March 19, 2021, in the Eastern District of Michigan, the defendant, EVAN DANIEL MERCER, used a facility and means of interstate and foreign commerce, that is, the Internet, to knowingly persuade, induce, entice, and coerce an individual he believed had not attained the age of 18 years to engage in sexual activity for which a person could be charged with a criminal offense, and attempted to do so, in violation of Title 18, United States Code, Section 2422(b).

COUNT FOUR

18 U.S.C. § 2422(b)

Coercion and Enticement of a Minor

On or about April 4, 2021, in the Eastern District of Michigan, the defendant, EVAN DANIEL MERCER, used a facility and means of interstate and foreign commerce, that is, the Internet, to knowingly persuade, induce, entice, and coerce an individual he believed had not attained the age of 18 years to engage in sexual activity for which a person could be charged with a criminal offense, and attempted to do so, in violation of Title 18, United States Code, Section 2422(b).

COUNT FIVE
18 U.S.C. § 2252A(a)(5)(B)
Possession of Child Pornography

On or about September 27, 2023, in the Eastern District of Michigan, the defendant, EVAN DANIEL MERCER, knowingly possessed child pornography, as defined in 18 U.S.C. § 2256(8)(A), including child pornography that involved a prepubescent minor and a minor who had not attained 12 years of age, which had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce and in and affecting foreign commerce; and the child pornography was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce; in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

FORFEITURE ALLEGATION

1. The allegations of this Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

2. If convicted of an offense charged and set forth above, EVAN DANIEL MERCER, shall forfeit to the United States:

- a. any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- c. any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

3. **Substitute Assets.** Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), the defendant shall forfeit substitute property, up to the value of the property described above, if, by any act or omission of the defendant, the property described above cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

DAWN N. ISON
United States Attorney

s/ Sara D. Woodward
SARA D. WOODWARD
Chief, General Crimes Unit
Assistant United States Attorney

s/ Diane N. Princ
DIANE N. PRINC
Assistant United States Attorney

Dated: February 6, 2024

